TARTER KRINSKY & DROGIN LLP
Attorneys for Defendants
Davis Realty Corporation
Laurent S. Drogin (LD-4770)
1350 Broadway, 11th Floor
New York, New York 10018
(212) 216-8000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---x
TAURIAN WARING, Individually and on   :
Behalf of All Other Persons Similarly Situated,   :   07 CV 10348 (AKH)
                                                                        :
                                    Plaintiff,   :
                                                                        :   **STIPULATION & ORDER**
                    -against-   :
                                                                        :
DAVIS REALTY CORP., MILTON DAVIS and   :
MARVIN DAVIS, jointly and severally,   :
                                                                        :
                                    Defendants.   :
---x

    IT IS HEREBY STIPULATED AND AGREED, by and between the

undersigned counsel for the respective parties hereto that defendants, DAVIS REALTY

s/h/a DAVIS REALTY CORP., MILTON DAVIS and MARTIN DAVIS' time to appear,

answer, or move, with respect to the Complaint, in the above-referenced action, is

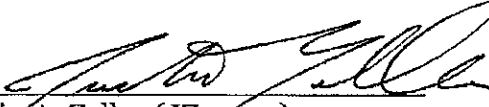extended to and including February 9, 2008; and it is further

    STIPULATED AND AGREED, that defendants shall not interpose any defense

in this action based upon lack of proper service or lack of personal jurisdiction arising

out of improper service of process, which defenses are hereby waived; and it is further

    STIPULATED AND AGREED, that the statute of limitations period for alleged

violations of the Fair Labor Standard Act ("FLSA") set forth in the Complaint by

individuals purporting to be similarly situated to Plaintiff who may Opt-In to the

{Client\000999\ad104\00112244.DOC;1}95911

collective action shall hereby be deemed tolled from December 19, 2007 until February

9, 2008 ("the Tolling Period") and that such Tolling Period will be extended until the

date that an answer or motion is filed, if it is not filed on or before February 9, 2008.
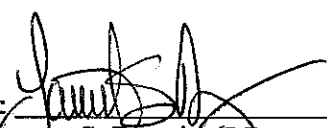

Dated: New York, New York
      December 19, 2007

THE LAW OFFICE OF
JUSTIN A ZELLER, P.C.
Attorney for Plaintiff

By: _____
Justin A. Zeller (JZ-7094)
251 West 14th Street, 5th Floor
New York, NY 10011
(212) 229-2249

BERGER & GOTTLIEB
Attorneys for Plaintiff
150 East 18th Street, Suite PHR
New York, N.Y. 10003
(212) 228-9795
Attn: Jeffrey M. Gottlieb (JG 7905)

TARTER KRINSKY & DROGIN LLP
Attorneys for Defendants

By: _____
Laurent S. Drogin (LD-4770)
1350 Broadway, 11th Floor
New York, NY 10018
(212) 216-8000

Dated: New York, New York
      December _____, 2007

SO ORDERED:

_____
U.S.D.J.